

Prepared by: Infrastructure Design Group, Inc.
3241 E Bison Trail
Sioux Falls, SD 57108
Phone: 605-271-5527

TEMPORARY CONSTRUCTION EASEMENT

THIS EASEMENT granted this 14th day of April, 2022, by Creekside Place, LLC (Owner), to the City of Harrisburg, South Dakota (City).

WHEREAS, the City will construct the Cliff Avenue and Willow Street Improvements project (Project), which is adjacent to the Owner's land, and the Owner will cooperate with the City in the construction of the Project to its mutual benefit. The City's construction improvements within this easement shall meet the Owner's approval.

NOW, THEREFORE, in consideration of the construction of the Project by the City, the Owner hereby grants to the City a temporary construction easement for purposes of grading, backslope, landscaping, excavation work for cut and fill needs, driveway and sidewalk construction, and other related construction in accordance with the plans and specifications on file in the office of the City Engineer of the City upon the following legally described real estate in Lincoln County, South Dakota:

The SE 1/4 (except Lot H-1) of Section 35, Township 100 N, Range 50 W of the 5th PM, Lincoln County, South Dakota, as shown on Plan Sheet E.01 attached to and made part of this easement.

The City may use the temporary construction easement area for the proper construction of the Project, and the City, its agents, representatives, assigns, or any contractor employed by the City may enter the temporary construction easement area and make any changes to it that are necessary for the proper construction of the Project. All the areas used shall be sloped, graded, and restored as is practicable and left in a neat and workmanlike manner.

THE OWNER, heirs, successors, or assigns shall not interfere with or disturb the construction work within the easement area without written approval of the City or its authorized representatives.

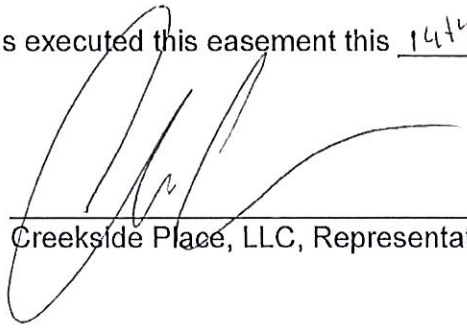
THE FOLLOWING CONDITIONS are a part of this easement:

1. The City will hold the Owner harmless from any claims for damage arising out of the City's use of the temporary easement area.
2. City contractors will seed, fertilize, and mulch the disturbed grass areas at the end of the Project, and the Owner will incur no costs. Owner is responsible for grass establishment and maintenance after the Project ends, including the adjoining public right-of-way.

3. To the extent of any conflict with the terms of this Easement and the plans on file with the City, the terms of this Easement shall control.
4. Owner will incur no costs or assessments related to the Project.

The City may enter upon the above-described property to commence construction upon approval of this easement. This easement shall be effective for one year after the completion of the Project.

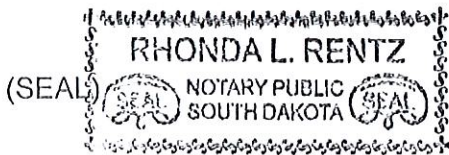
IN WITNESS WHEREOF, the Owner has executed this easement this 14th day of April, 2022.

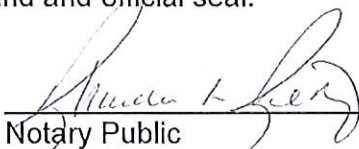

Creekside Place, LLC, Representative

STATE OF South Dakota)
)SS
COUNTY OF Lincoln)

On this 14th day of April, in the year 2022, before me the undersigned Notary Public within and for said County and State, has personally appeared Clint Ackerman, known to me to be the person described in, and who executed the within instrument and acknowledged to me that he executed the same.

In witness whereof, I hereunto set my hand and official seal.




Notary Public

My Commission Expires: 8/19/2026

Approved: _____ day of _____, 2022.

City of Harrisburg

By _____

Attest _____

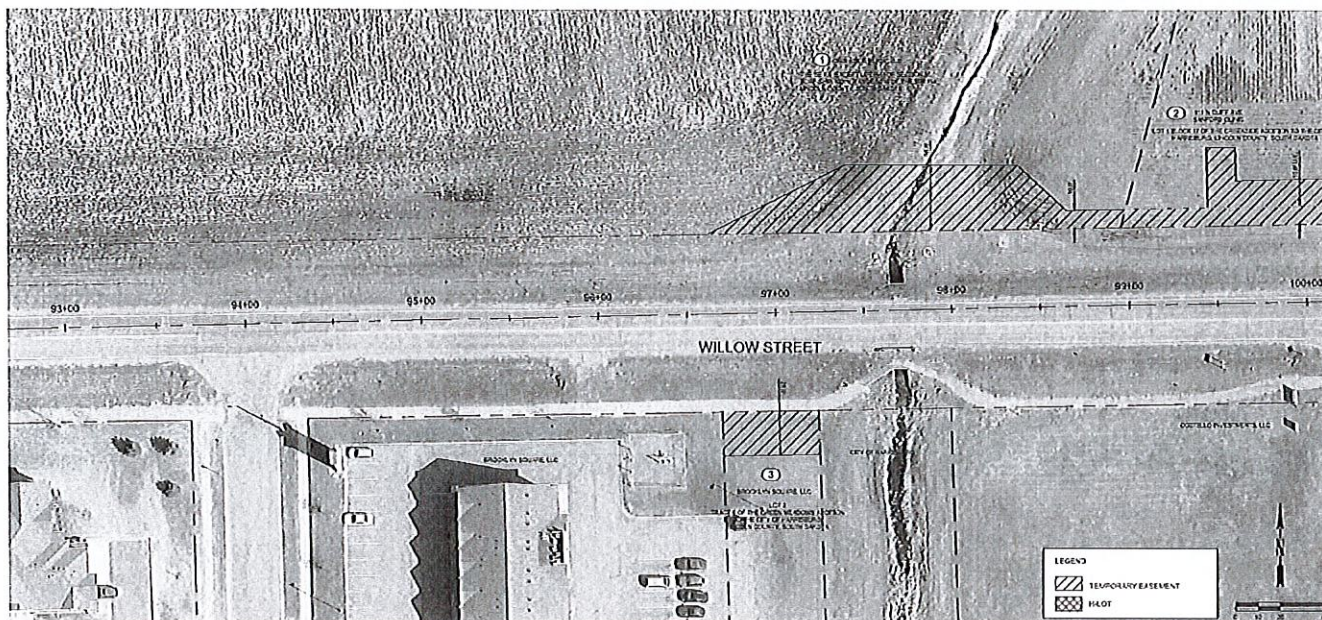


TABLE OF RIGHT OF WAY AND EASEMENTS

STATION TO STATION		ST/E	TYPE	PURPOSE	AREA	OWNER	LEGAL DESCRIPTION
1	55+62.35-45.0'	TO	LT	TEMP	CONSTRUCTION	6024 S ² Ft	THE SE 1/4 (EXCEPT LOT 11-13) OF SECTION 35, TOWNSHIP 100 N, RANGE 50 W OF THE 5TH PM, LINCOLN COUNTY, SOUTH DAKOTA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF
	55+55.71-43.8'	TO	LT	TEMP	CONSTRUCTION	28042 S ² Ft	
2	57+45.76-54.7'	TO	LT	TEMP	CONSTRUCTION	3243 S ² Ft	LOT 3 BLOCK 17 GREENSIDE ADDITION
	100+20.01-43.8'	TO	LT	RIGHT OF WAY	CONSTRUCTION	3243 S ² Ft	
3	55+68.67-55.0'	TO	RT	TEMP	CONSTRUCTION	3153 S ² Ft	LOT 2, TRACT 6 GREEN MEADOWS ADDITION

HARRISBURG ROUNDABOUT
CLIFF AVENUE & WILLOW STREET
HARRISBURG, SD

ROW AND EASEMENTS

infrastructure
CARTER GROUP, INC.

8-1417-10

E.01

